

1-6 OPEN SPACE STANDARDS

APPLICABILITY

The provisions of this Section shall apply to an application for a major subdivision plat approval.

Connection to Public Open Space

The Administrator may require connection to a community open space network and/or trails system if the proposed development is adjacent to the boundary of a trail and/or established recreational facility. The open space/trail system shall be maintained by the applicant or subsequent owners provided, however, that the applicant may request to publicly dedicate any trail that may advance the creation of a city-wide greenway trails system.

PRESERVATION OF OPEN SPACE

Required open space shall be reserved for any major subdivision of land within the zoning districts set forth in column “A” of the Table below based upon the percentage of net acres in the proposed development corresponding the zoning district as set forth in column “B” in the below Table.

Exemption

Subdivisions with less than 25 dwelling lots shall be exempt from the requirements of this Section.

Open-space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open-space areas may be owned, preserved, and maintained as determined by the City Council by any of the following mechanisms or combinations thereof:

- Dedication of open space to the City, an appropriate public agency, or a non-profit entity (such as a land conservancy) if such an agency or entity is willing to accept the dedication and is financially capable of maintaining such open space.
- Common ownership of the open space by an Owner’s Association that assumes full responsibility for its maintenance. The restrictive covenants shall provide that, in the event the Owner’s Association fails to maintain the open space according to the standards of this Ordinance, the City may, following reasonable notice:
 - demand that deficiency of maintenance be corrected; or
 - enter the open space to maintain same. The cost of such maintenance shall be charged to the Owner’s Association.

OPEN SPACE CHARACTERISTICS

Land designated as open space shall be maintained as open space and may not be separately sold, subdivided, or developed.

Greenways

Greenways connecting residences, schools, and recreational areas are required as indicated on the Pedestrian Network Plan. Greenways shall be a minimum of 8 feet wide. Maintenance is limited to a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions. Construction standards are referenced in Section 1.7 of this Ordinance.

Spacing and Dimensional Limitations

In order to ensure that all designated open space has suitable size, location, dimension, topography, and general character, and proper road and/or pedestrian access, as may be appropriate, to be usable open space, the following standards shall apply:

- Open space should be within ½ of a mile from any lot upon which a dwelling is intended to be built,
- The minimum dimension for usable open space shall be 15 feet of width, and
- The percentage of open space comprised of inaccessible or unusable land as defined in the Table below shall not exceed the amount set forth in column (D) of the same Table.

ACCESS TO OPEN SPACE

All areas to be preserved for open space are to be accessible to pedestrians by one of the following:

- frontage (width as required in this Section) on a public street right-of-way,
- recorded pedestrian easement (min. 15 feet wide), or
- fee simple property.

Upon review of the design by the Administrator, additional pedestrian access points may be required.

FEES IN LIEU OF OPEN SPACE

In lieu of land dedication, the City Council may permit the subdivider to contribute a cash payment to the City. The value of such payment shall be the pre-development tax value for the amount of dedicated land from the parcel from which the open space is being dedicated as required and the cash value of the minimum required financial investment for active open space improvements. The specified contribution shall be determined by the tax value at the time final plat approval is granted. Such tax value shall consider zoning district changes that occur at any time up until final plat approval. Tax deferrals of any kind shall not be used in the calculation of the fees.

If, at the option of the City Council it is determined that a cash dedication shall be made, said cash shall be paid to the City Finance Director and shall be deposited into a special Parks and Recreation Service Area fund prior to final plat approval. Money in the fund, including accrued interest, shall be expended solely for acquisition, development, or rehabilitation of parkland or improvements related thereto.

Collected fees shall be appropriated by the City for a specific project to serve residents of the subdivision in a budgetary year within 7 years upon receipt of payments or within 7 years after the issuance of building permits on ½ of the lots created by the subdivision, whichever occurs later. If such fees are not so committed, these fees shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lots bears to the total area of all lots in the subdivision.

Required Open Space for Subdivisions

(A) Zoning District(s)	(B) Required Percentage of Open Space	(C) Required Percentage of Open Space for Cluster Developments	(D) Maximum Percent in Inaccessible and Unusable Land*
R-40	N/A	20%	N/A
R-15, R-12.5 R-10	8% (0 - 2 units per acre)** 10% (2.1 - 4 units per acre)** 12% (greater than 4 units per acre)**	20%	25%
B-1, B-2, O-I, HB	N/A	N/A	N/A
GRD, RAH	See Article VI of the Zoning Ordinance	See Article VI of the Zoning Ordinance	See Article VI of the Zoning Ordinance
M-1, M-2	N/A	N/A	N/A
PUD	25%	N/A	25%

* The terms “Inaccessible or Unusable Land” shall include:

- any land where no zoning and/or building construction permits may be issued (such as dedicated easements and rights-of-way (except those existing to only protect underground utilities such as water or sewer lines), wetlands, bodies of water, etc. as determined by the Administrator); or
- land with a post-development slope greater than 3:1 that severely limits its usefulness as open space.
- land that is located within floodway areas.

** Based on the proposed density of the project subject to the maximum density of the respective zoning district.